

HOUSE BILL 2713  
By Hargett

AN ACT to amend Tennessee Code Annotated, Title 49, relative to access to certain student information by the United States military and the Tennessee national guard.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated part.

SECTION 2. This act shall be known and may be cited as the "Access to High School Student Information by Military Organizations Act of 2004".

SECTION 3. This act shall apply only to public high schools. For the purposes of this act, "public high schools" are schools:

(1) in which are taught any combination of grades corresponding to grade nine through grade twelve (9-12); and

(2) which are operated by an LEA or by the state with public funds.

SECTION 4. As used in this act, "armed forces of the United States" means:

- (1) The United States Air Force;
- (2) The United States Army;
- (3) The United States Coast Guard;
- (4) The United States Marine Corps;
- (5) The United States Navy; or

(6) any reserve component of the military forces listed in subdivisions (1) through (5).

SECTION 5. As used in this act, "student directory information" means a student's name, a student's address, a student's telephone number, if such telephone number is a listed or published telephone number, or any one (1) or more of the three (3) aforementioned elements of such information.

SECTION 6.

(a) Except as provided in subsection (b), a high school shall provide access to its school campus and its student directory information to official recruiting representatives of the armed forces of the United States, the Tennessee Air National Guard, the Tennessee Army National Guard, and the service academies of the United States for the purpose of informing students of educational and career opportunities available in the armed forces of the United States, the Tennessee Air National Guard, the Tennessee Army National Guard, and the service academies of the armed forces of the United States.

(b) A high school student or the parent, guardian, or custodian of a high school student may submit a signed, written statement to the high school the student attends after the completion of the student's tenth grade year that indicates the student or the parent, guardian or custodian of the student does not want the student's directory information to be provided to official recruiting representatives as provided in subsection (a). High schools shall notify students and the parents, guardians or custodians of students of their rights under this subsection.

(c) A high school may require official recruiting representatives to pay a fee for reproducing and transmitting its student directory information in an amount that does not exceed the actual costs incurred by the high school.

SECTION 7. Student directory information received by an official recruiting representative pursuant to Section 6 of this act may be used only to provide information to high school students concerning educational and career opportunities available in the armed forces

of the United States, the Tennessee Air National Guard, the Tennessee Army National Guard, and the service academies of the armed forces of the United States. Student directory information shall not be released to a person or group who is not involved in recruiting high school students for the armed forces of the United States, the Tennessee Air National Guard, the Tennessee Army National Guard, or the service academies of the armed forces of the United States, unless a high school elects to provide such information, subject to the restrictions of Section 6(b), to other persons or groups that make students aware of occupational or educational opportunities.

SECTION 8. Tennessee Code Annotated, Section 49-6-406, is amended by deleting such section in its entirety.

SECTION 9. The commissioner of education is authorized to the promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. This act shall take effect July 1, 2004, the public welfare requiring it.